

1 BARRY J. PORTMAN  
2 Federal Public Defender  
3 COLLEEN MARTIN  
4 Assistant Federal Public Defender  
5 555 - 12th Street  
6 Suite 650  
7 Oakland, CA 94607-3627  
8 Telephone: (510) 637-3500

9 Counsel for Defendant LERMA LOPEZ  
10  
11  
12  
13  
14  
15  
16

17 IN THE UNITED STATES DISTRICT COURT  
18  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20  
21 UNITED STATES OF AMERICA, ) No. CR 10-00470 SBA (LB)  
22 Plaintiff, )  
23 vs. ) STIPULATION AND ~~PROPOSED~~  
24 LUCIO LERMA LOPEZ, ) ORDER  
25 Defendant. ) Date: November 12, 2010  
Time: 10:00 a.m.  
-----)

26 The above-captioned matter is set on November 12, 2010 before this Court for a status  
hearing. The parties jointly request that the matter be set for a change of plea on November 18,  
2010 at 10:00 a.m. The parties further request that the Court exclude time under the Speedy  
Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between the date of this Stipulation and  
November 18, 2010.

27 Mr. Lerma Lopez is charged with one count of illegal reentry into the United States after  
28 deportation in violation of 8 U.S.C. § 1326. The parties have not been able to reach a resolution,  
but Mr. Lerma Lopez is prepared to change his plea without a plea agreement.

29 The requested continuance will allow the defense time review relevant prior records and  
30 to consult with the defendant. The failure to grant such a continuance would unreasonably deny

1 counsel the reasonable time necessary for effective preparation, taking into account the exercise  
2 of due diligence.

The parties further stipulate and agree that the time from the date of this Stipulation to November 18, 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), on the basis that the ends of justice are served by taking such action which outweigh the best interest of the public and the defendant in a speedy trial and also under 18 U.S.C. § 3161(h)(7)(B)(iv) for effective preparation of counsel, taking into account the exercise of due diligence.

9

10 || DATED: November 4, 2010

/S/  
WILLIAM R. PLETCHER  
Special Assistant United States Attorney

12

DATED: November 3, 2010

/S/  
KEEN MARTIN  
ant Federal Public Defender

15

## SIGNATURE ATTESTATION

17

17 I hereby attest that I have on file all holograph signatures for any signatures indicated by  
18 a "conformed" signature (/S/) within this e-filed document.

19

1

2

23

24

25

26

## ORDER

2           GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, IT IS  
3       HEREBY ORDERED that the status date in this case, currently scheduled for November 12,  
4       2010 is VACATED. The matter is set for a change of plea on November 18, 2010, at 9:30 a.m.

5 IT IS FURTHER ORDERED that the time from the date of this Order to November 18,  
6 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.  
7 §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends  
8 of justice served by the granting of the continuance outweigh the best interests of the public and  
9 the defendant in a speedy and public trial and the failure to grant the requested continuance  
10 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking  
11 into account due diligence, given the need for the defense to conduct investigation and for  
12 defense counsel to consult with the defendant.

13 | SO ORDERED.

15 || DATED: November 5, 2010

LWB

**LAUREL BEELER**  
United States Magistrate Judge